

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 4, 2008

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

RESOLUTION TO CHANGE THE EFFECTIVE DATE OF ORDINANCE O-7-07 (ANTI-SOLICITATION) ADOPTING SECTION 15-9, AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

SUPPORTING BACKGROUND:

As you know, the State's Attorney's Office has taken the position that they will not prosecute violators of the City's Anti-Solicitation Ordinance due to constitutional concerns; however, they have indicated they will reconsider their position if the Attorney General issues an opinion finding that the Ordinance is constitutional.

On May 15, 2007, the City requested an Attorney General Opinion on the constitutionality of our Anti-Solicitation Ordinance. To date, we have not received a response but the Attorney General's Office has indicated we should receive a response in mid-February of 2008.

On June 18, 2007, the City Council adopted Emergency Ordinance No. 07-07 changing the effective date of Section 15-9, as set forth in Section 15-9(f). The Ordinance also provided that any future changes to the effective date could be implemented by resolution of the Mayor and City Council.

Given that the State's Attorney's Office is still unwilling to prosecute violations of the Anti-Solicitation Ordinance, staff is reluctantly recommending that the Council again change the effective date of the ordinance.

The attached resolution will change the effective date of the City's Anti-Solicitation Ordinance to March 3, 2008.

Attachments:

1. Draft Resolution
2. Ordinance O-7-07

DESIRED OUTCOME:

Vote on Resolution